

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Wednesday, November 15, 2017

SUBJECT: Public Hearing for Rezoning Application #R-2017-05

PRESENTER: Allen McNeill, Planner

ATTACHMENTS:

1. Staff Report
2. Aerial Photo Map
3. Notice of Public Hearing
4. Certification of Notification of Public Hearing
5. Resolution of Consistency with CCP
6. Power Point Slides

SUMMARY OF REQUEST:

Rezoning Application #R-2017-05, which was initiated on August 28th, 2017, requests the County rezone approximately 1.48 acres of land (hereafter the "Subject Area"). Planning Staff finds no technical restriction to the Subject Area being rezoned from Estate Residential (R-40) zoning district to a Local Commercial (LC) zoning district. The Subject Area is located off Grandview Lane at the intersection of South Rugby Road. The owner of the Subject Area is Mr. & Mrs. Snead.

The Henderson County Planning Board considered rezoning application #R-2017-05 at its regularly scheduled meetings on October 19, 2017. During this meeting the Planning Board voted unanimously to send forward a favorable recommendation to rezone the Subject Area to a Local Commercial (LC).

PUBLIC NOTICE:

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42A-303 and §42A-346 (C) of the Henderson County Land Development Code and State Law, notices of the November 15, 2017, public hearing regarding rezoning application #R-2017-05 were published in the Times-News on November 2, 2017 and November 9, 2017. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area on October 26, 2017 and posted signs advertising the hearing on the Subject Area on October 27, 2017.

BOARD ACTION REQUESTED:

If approved, State law requires that the Board adopt a written statement of consistency with the County Comprehensive Plan (CCP). A draft resolution and motion is provided.

Suggested Motion:

I move that the Board adopt the attached resolution regarding the consistency with the CCP.

I move that the Board (approve, approve with conditions or deny) rezoning application #R-2017-05 to rezone the Subject Area to a Local Commercial (LC) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan and other supporting information.

Henderson County Planning Department Staff Report

Rezoning Application #R-2017-05 Snead Property

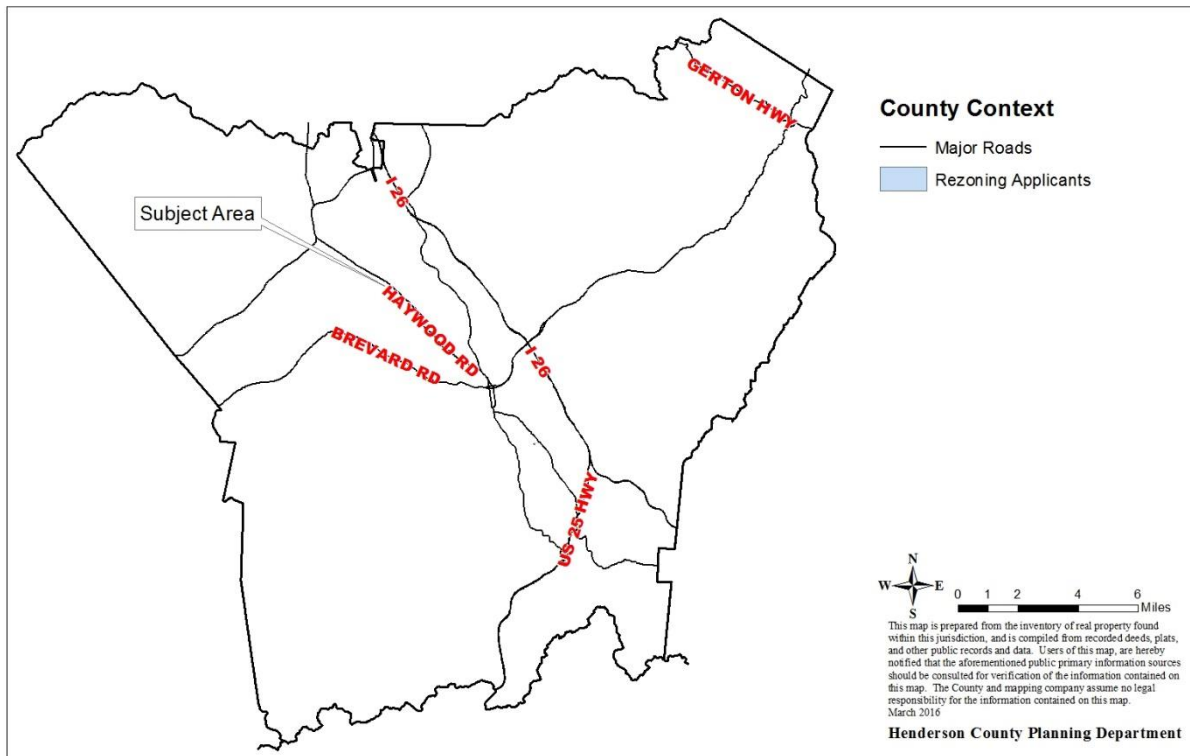
Charles and Susan Snead, Owner(s)

Susan Snead, Applicant/Agent

1. Rezoning Request

- 1.1. **Applicant/Agent:** Susan Snead
- 1.2. **Property Owners:** Charles and Susan Snead
- 1.3. **PINs:** 9640-96-0879
- 1.4. **Request:** Rezone subject area from an Estate Residential (R-40) zoning districts to a Local Commercial (LC) zoning district.
- 1.5. **Size:** Approximately 1.48 acres
- 1.6. **Location:** The subject area is the entire portion of 1 parcel located off Grandview Lane at the intersection of South Rugby Road, north west of the county's geographic center. Refer to Map A, County Context map.

Map A: County Context



2. Current Zoning

- 2.1. **Application of Current Zoning:** The subject area is currently zoned as an Estate Residential (R-40) zoning districts.

Staff Report for Rezoning #R-2017-05 Snead Property

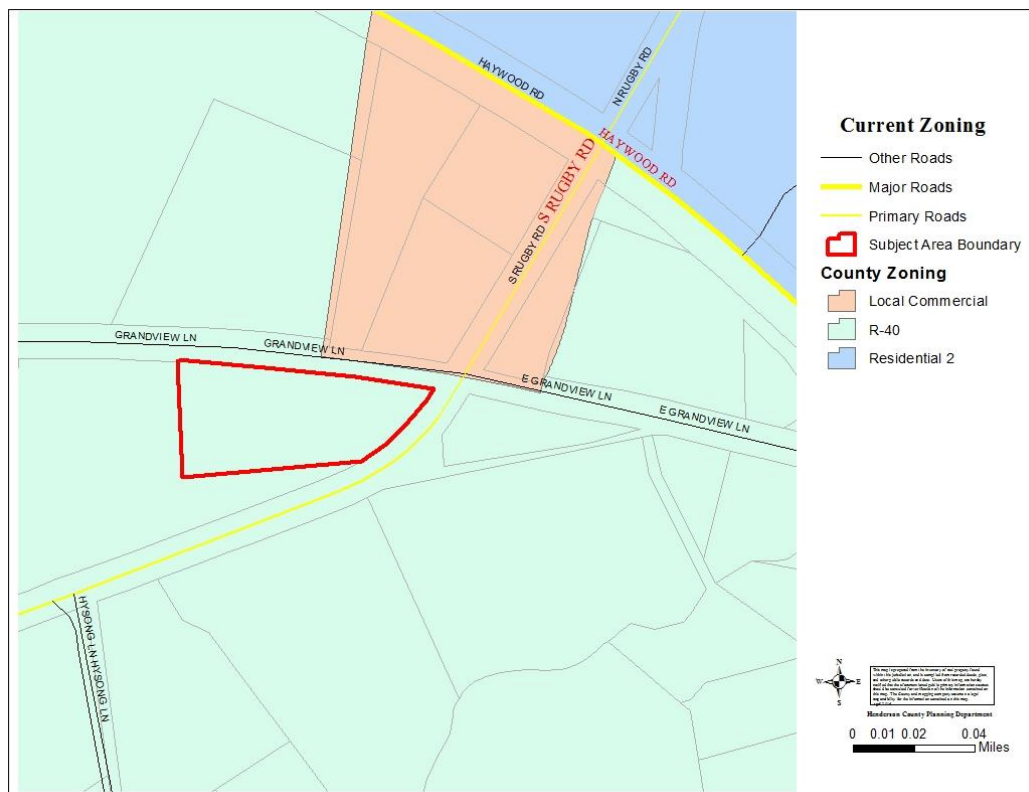
2.2. **Adjacent Zoning:** The subject area is adjacent to Estate Residential (R-40) to the East, South, West, and partially to the North. To the North, directly across Grandview Lane, is property zoned as Local Commercial (LC).

2.3. **District Comparison:**

2.3.1. **Residential District One (R1) District:** “The purpose of the Local Commercial District (LC) is to foster orderly growth where the principal use of land is commercial and residential. The intent of this district is to allow for commercial development consistent with the recommendations of the Comprehensive Plan. In accordance with the Comprehensive Plan, the district will allow for and provide commercial and residential development that: (1) includes a variety of retail sales and services, public and private administrations, offices and all other uses done primarily for sale or profit on a local or neighborhood scale; (2) is directed largely to Community Service Centers as defined in the Comprehensive Plan; (3) is compatible with adjacent development and the surrounding community; and (4) will minimize congestion and sprawl. This general use district is meant to be utilized in all service areas.” (LDC §42-33).

- 1) Local Commercial requires 10 foot side and rear setbacks, maximum height 40 feet, and a standard density of four (4) unit per acre with a maximum density of sixteen (16) units per acre (LDC §42-33).

Map B: Current Zoning



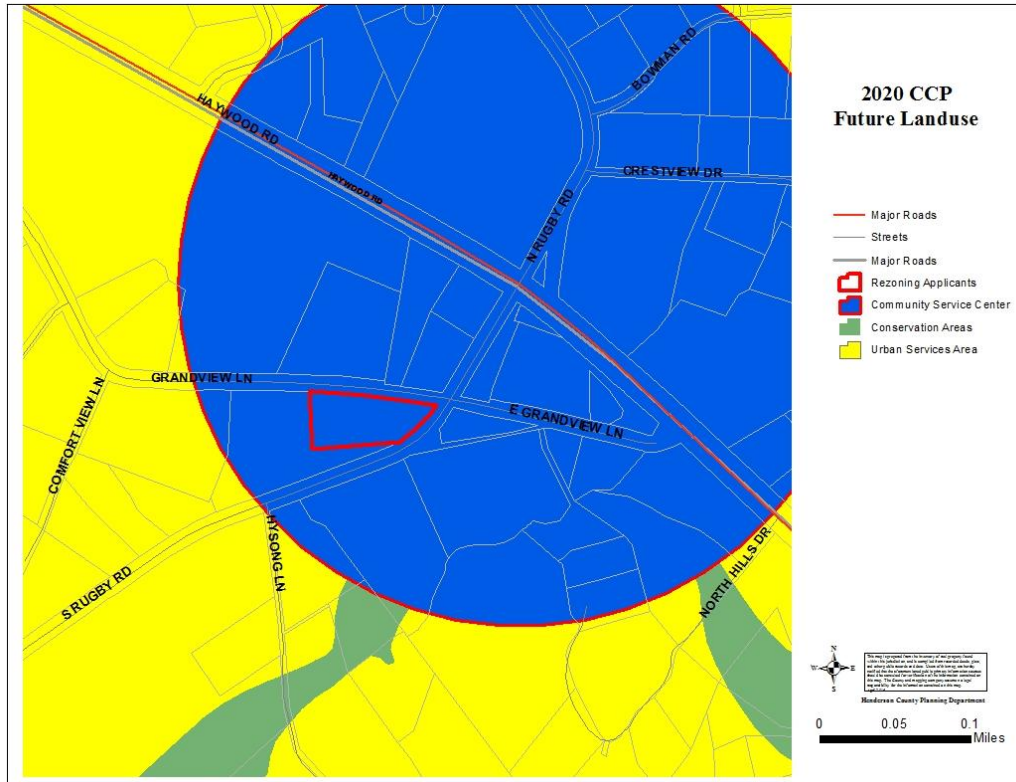
3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Uses:** The subject area is currently shown as being used as a residential property.
- 3.2. **Adjacent Area Uses:** The surrounding properties are composed of residential and undeveloped properties. The southern area of the property is primarily an established residential development.

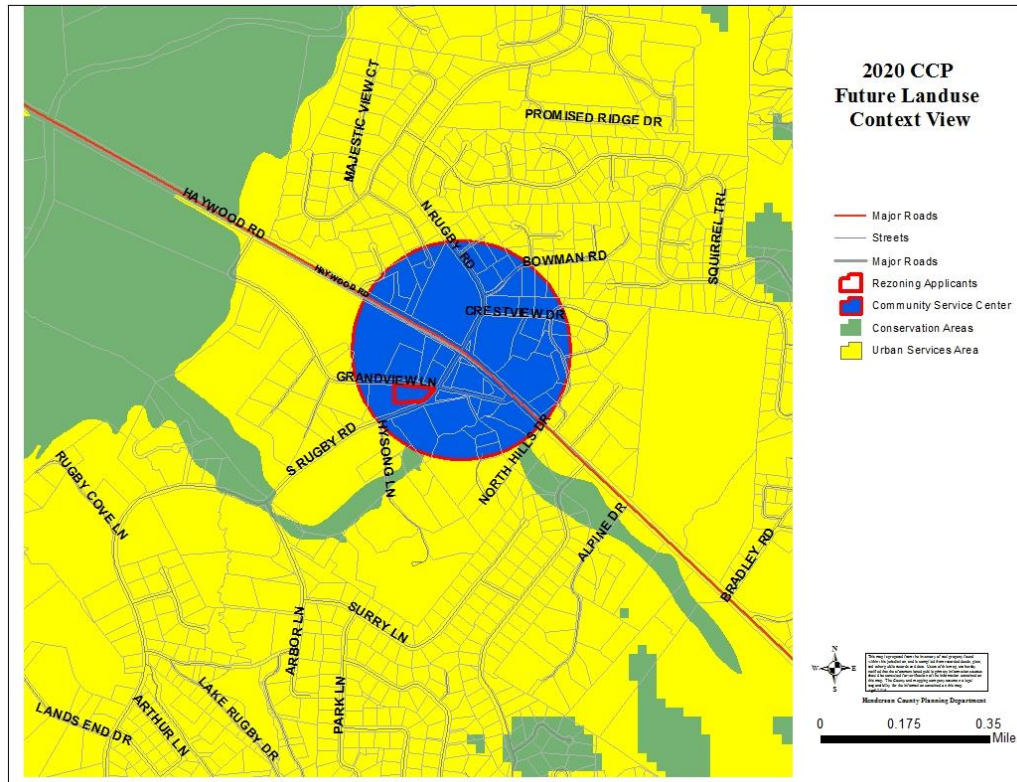
4. The Henderson County 2020 Comprehensive Plan (CCP)

4.1. The CCP Future Land Use Map identifies the subject area as being located in a Community Service Center (2020 CCP, Pgs. 129 & Appendix 1, Map 24). (See Map C).

Map C: 2020 County Comprehensive Plan Future Land Use Map



Map D: 2020 County Comprehensive Plan Future Land Use Map Context View

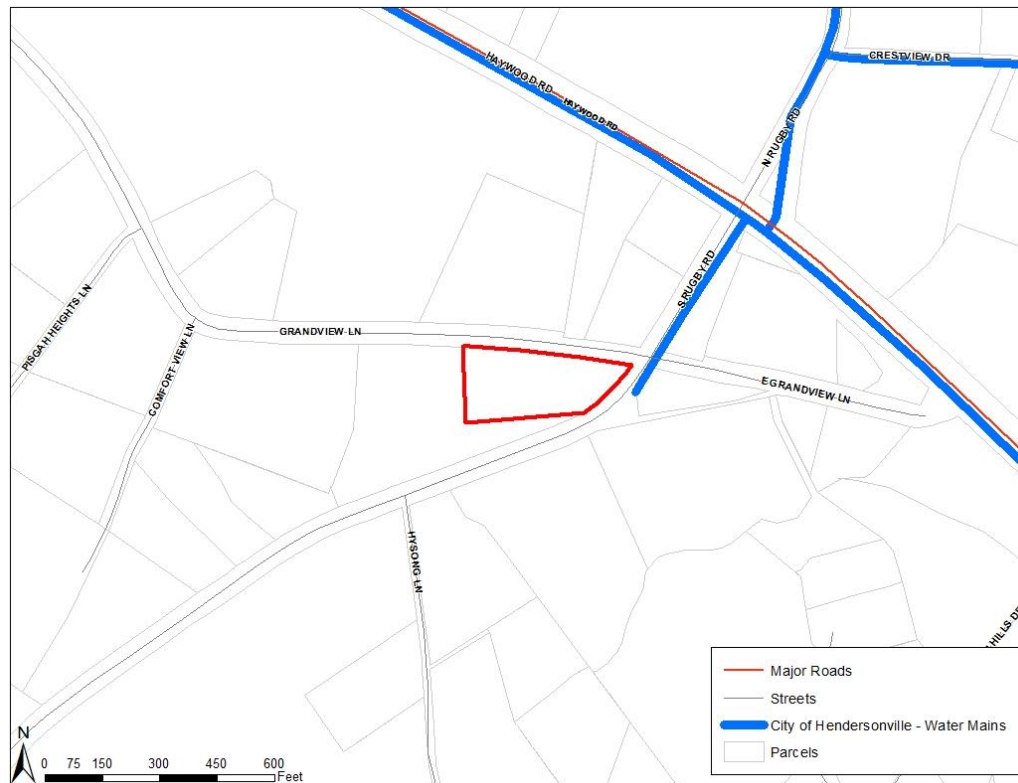


- 4.1.1. **Community Service Center:** The CCP states that, “Community Service Centers are intended to be intensive, efficient, defined concentrations of mixed services that meet the needs of the surrounding community and defined service areas” and further, “Local Commercial areas are located within defined Community Service Centers. They serve small market areas and are intended to be located within the residential neighborhoods that they serve. They contain a range of commercial uses that can be safely intermixed with residential uses. They are pedestrian friendly areas that typically generate fairly low traffic volumes and can be located along minor residential streets.” (2020 CCP, Pg. 138-139).
- 4.1.2. **Explanation of Map D:** Seeing as the subject area is located entirely within a Community Service Center, it is also important to note that the surrounding area is largely comprised of Urban Service Area and that the majority of the surrounding land will be used primarily for residential purposes.

5. Water and Sewer

- 5.1. **Public Water:** City of Hendersonville’s records show that there is access for water connection adjacent to the subject area.
- 5.2. **Public Sewer:** City of Hendersonville records shows that sewer access is not available near the subject area.

Map E: Water and Sewer Map



6. Staff Comments

- 6.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map C) places all of the subject area in a, Community Services Center classification. The text and map of the 2020 CCP suggest that this subject area would be suitable for a mixture of commercial uses scaled to the service area in question.
- 6.2. **Adjacent Zoning:** The subject area is partially adjacent to Local Commercial (LC) the North and surrounded by Estate Residential (R-40) on all other sides.
- 6.3. **Comparison of Districts:** The existing Estate Residential (R-40) serves as insuring the principle use of the land is for low-density residential use. Applying the Local Commercial (LC) zoning district will allow for commercial development consistent with the recommendations of the Comprehensive Plan and is compatible with adjacent development and the surrounding community.

7. Staff Recommendations

- 7.1. It is staff's position that the subject area meets the technical requirements for a Local Commercial zoning district development.
 - 7.1.1. The 2020 Henderson County Comprehensive Plan identifies the subject area as being within the Community Service Center. The Community Service Center is "appropriate for a mixture of commercial uses scaled to the service area in question; residential uses of varying densities depending upon available services" (2020 CCP, Pg. 138).

8. Technical Review Committee Recommendations

- 8.1. TRC reviewed the application at its meeting on October 3rd, 2017 and voted to send forth a favorable recommendation to rezone the Subject Area.

9. Planning Board Recommendations

Staff Report for Rezoning #R-2017-05 Snead Property

- 9.1. The Planning Board reviewed the application at its meeting on October 19th, 2017 and voted unanimously to send forth a favorable recommendation to rezone the Subject Area.

Aerial Map



0 25 50 100 Feet

Legend

- Parcels
- Subject Area Boundary

**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Requests #R-2017-05)**

It is assumed the Henderson County Board of Commissioners will hold a public hearing for a proposed map amendment to the Official Zoning Map of Henderson County, North Carolina.

Rezoning Application #R-2017-05, which was submitted on August 28th, 2017, requests the County rezone approximately 1.48 acres of land. The applicant requests a rezoning from Estate Residential (R-40) zoning district to a Local Commercial (LC) zoning district. The subject area is owned by Mrs. Susan Snead. The property is located off Grandview Lane at the intersection of South Rugby Road. The PIN for the parcel included is: 9640-96-0879.

It is assumed the public hearing will be held on Wednesday, November 15, 2017, at 9:00 A.M., in the Board of Commissioners Meeting Room located in the Henderson County Historic Courthouse, at 1 Historic Courthouse Square, in Hendersonville, NC. The public is invited to attend and comment on the proposed amendment.

Written comments addressed to the Henderson County Board of Commissioners, 1 Historic Courthouse Square, Suite 1, Hendersonville, NC 28792, will be accepted prior to the hearing. Information about the proposed amendment is available for review in the Henderson County Planning Department, 100 N. King Street, Hendersonville, NC, between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday, or on the Henderson County Website at www.hcplanning.org. For more information, call the Planning Department at (828) 697-4819.

Please note that after considering public hearing comments, the Board of Commissioners may discuss other options or make changes to the proposed amendments before taking final action. The Henderson County 2020 Comprehensive Plan will be updated and amended, as necessary, to reflect the action of the Board of Commissioners.

Terry Wilson
Clerk to the Board
Henderson County Board of Commissioners

For publication in the Times-News on Thursday, November 2, 2017 and Thursday, November 9, 2017.

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of the November 15, 2017 hearing regarding Rezoning Application #R-2017-05 were:

1. Submitted to the Times News on October 27, 2017 to be published on November 2, 2017 and November 9, 2017 by Allen McNeill;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on October 26, 2017 by Allen McNeill;
3. Sent, via first class mail, to the property owners on October 27, 2017 by Allen McNeill; and
4. Signs will be posted on the Subject Area(s) on October 27, 2017 by Allen McNeill

The signatures herein below indicate that such notices were made as indicated herein above:

1. Allen S. McNeill

STATE OF NC

COUNTY OF Henderson

I, Toby Linville, a Notary Public, in and for the above County

and State, do hereby certify that

Allen McNeill, and _____

personally appeared before me this day.

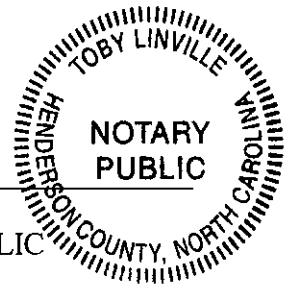
WITNESS my hand and notarial seal, this the 1 day of NOVEMBER, 2017.

My commission expires:

5-25-21

(SEAL)
Toby Linville

NOTARY PUBLIC





RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN

WHEREAS, pursuant to N.C. General Statute §153, Article 18, the Henderson County Board of Commissioners exercises regulations relating to development within the County's jurisdiction; and

WHEREAS, the Henderson County Board of Commissioners (Board) adopted the Land Development Code (LDC) on September 19, 2007 and has amended the LDC to address new and changing issues;

WHEREAS, the Board desires to update and revise the regulations of the LDC; and

WHEREAS, the Planning Director and Planning Board provided recommendations regarding the proposed zoning map amendment with case #R-2017-05; and

WHEREAS, pursuant to N.C. General Statute §153-323, the Planning Director provided the prescribed public notice and the Board held the required public hearing on November 15, 2017; and

WHEREAS, N.C. General Statute §153-341 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

NOW THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners as follows:

1. That the Board reviewed the proposed map amendment (#R-2017-05) and finds that it is reasonable, in the public interest and it is consistent with the CCP and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed map amendment provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

THIS the 15th day of November, 2017.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
J. MICHAEL EDNEY, Chairman

ATTEST:

Teresa Wilson, Clerk to the Board

[COUNTY SEAL]

Rezoning #R-2017-05 The Snead Property



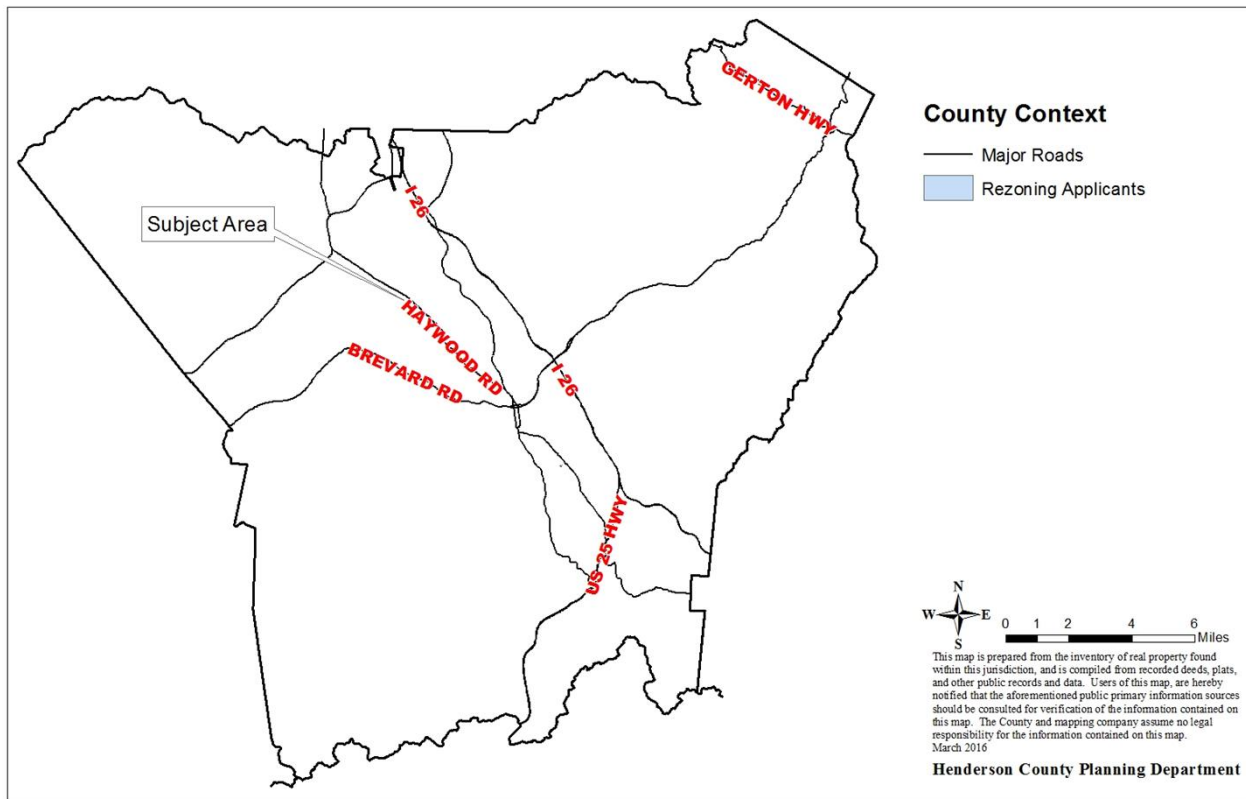
**Henderson County Board of Commissioners
November 15, 2017**

Henderson County Planning Department

Application Summary

- Rezoning Request: R-2017-05
- Submitted on August 28, 2017
- Applicant/Owner: Susan Snead
- Rezone from an Estate Residential (R-40) zoning district to a Local Commercial (LC) zoning district
- 1.48 acres

County Context



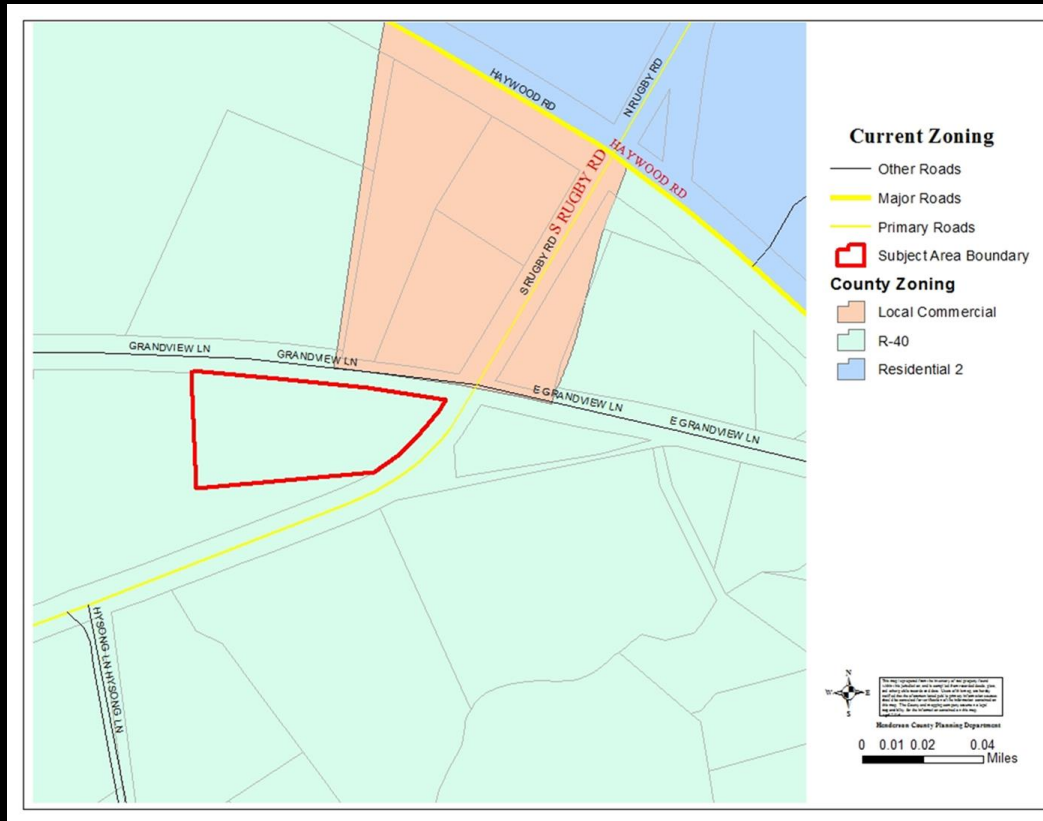
Henderson County Planning Department

Aerial Photo Map



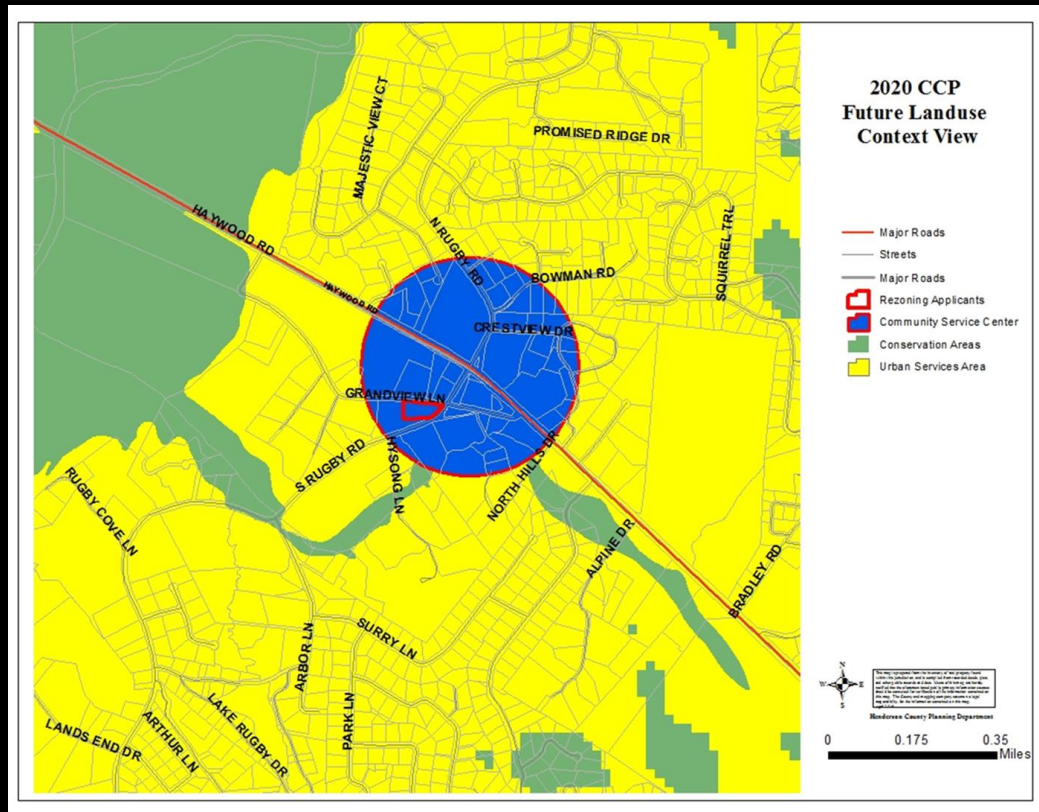
Henderson County Planning Department

Current Zoning Map



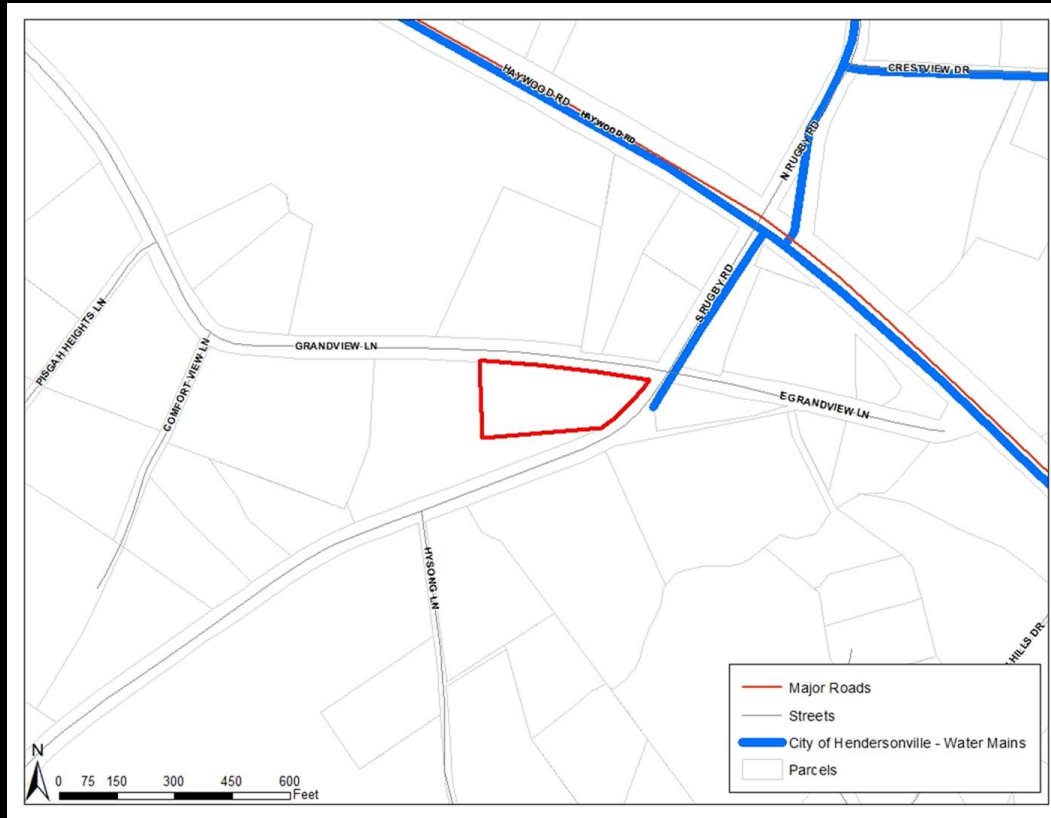
Henderson County Planning Department

2020 CCP Future Land Use Map



Henderson County Planning Department

Public Utilities



Henderson County Planning Department



Rezoning #R-2017-05

Questions

